

USSN 09/928,594
Filed: August 13, 2001
Response to Non-Compliant Amendment
Page 6 of 8

REMARKS

Previously withdrawn Claims 26-35 are now hereby cancelled. Claims 36-40 are currently pending in the application. Claim 39 has been allowed, and claims 36-38, and 40 were objected to in the prior Office Action. By the present amendment and response, amendments to the specification have been made, and claim 36 has been amended. No new matter has been introduced into the specification. Arguments traversing the claim objections are presented in the below remarks.

I. RESTRICTION REQUIREMENT

The Office Action states that the application contains claims directed to two patentably distinct species: (1) species of Figures 1-7, and 11; and (2) species of Figures 8 and 9.

Assignee hereby elects, without traverse, Species (2), directed to Figures 8 and 9. Assignee reserves the right to claim additional species upon allowance of a generic claim.

II. OBJECTIONS TO CLAIMS 36-38, AND 40

The Office Action states that claims 36-38, and 40 are objected to. The Office Action alleges that it is unclear from the language of claim 36 whether the waves reflected from the reflecting medium are the same waves that propagate through the tissue. Claim 36 has been amended to clarify the scope of the claim. Claim 36 has been amended to include the element, "emitting ultrasonic waves from the operative surface, such that at least some of the ultrasonic waves propagate through tissue to contact the wound, and at least some of the emitted ultrasonic waves reflect from the reflecting medium to contact an internal surface of the wound." (underlining supplied). Allowance of amended independent claim 36 is respectfully requested.

USSN 09/928,594
Filed: August 13, 2001
Response to Non-Compliant Amendment
Page 7 of 8

Claim 37 is dependent from independent claim 36, for which arguments of patentability have been provided above. Allowance of dependent claim 37 is respectfully requested.

The Office Action alleges that claims 38 and 40 fail to positively set forth active steps in the method, and requests appropriate correction. Assignee submits that claims 38 and 40 recite active steps since they are dependent from independent method claims 36 and 39, respectively. Dependent claims, by their definition, include each and every limitation of the underlying independent claim. *See* M.P.E.P. § 608.01(i) ("Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.") Thus, dependent claims 38 and 40 include and set forth the elements of their respective independent claims 36 and 39, and allowance of dependent claims 38 and 40 is respectfully requested.

USSN 09/928,594
Filed: August 13, 2001
Response to Non-Compliant Amendment
Page 8 of 8

CONCLUSION

Assignee respectfully submits that claims 36-40 are in condition for immediate allowance, and requests early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned attorney for the Assignee at 404.815.6048 to arrange for a telephone interview prior to issuance of an Office action.

Respectfully submitted,



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